

The Intent of NEPA

The National Environmental Policy Act of 1969 (NEPA) was created to ensure Federal agencies consider the environmental impacts of their actions and decisions.

NEPA requires all Federal agencies to consider the values of environmental preservation for all significant actions and prescribes procedural measures to ensure that those values are in fact fully respected. Federal agencies are required to systematically assess the environmental impacts of their proposed actions and consider alternative ways of accomplishing their missions in ways which are less damaging to the environment. Multi-disciplinary identification and analysis of impacts is also required.

What Does NEPA Do?

The basic doctrine of NEPA requires the Federal Government to use all practicable means and measures to protect environmental values. Section 101 (b) of the Act states "it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy" to avoid environmental degradation, preserve historic, cultural, and natural resources, and "promote the widest range of beneficial uses of the environment without undesirable and unintentional consequences." Therefore, NEPA makes environmental protection a part of the mandate of every Federal agency and department. NEPA requires analysis and a detailed statement of the environmental impact of any proposed Federal action that significantly affects the quality of the human environment. Each agency designates a "responsible official" who must ensure NEPA issues are addressed as part of the agency's actions. All agencies must use a systematic interdisciplinary approach to environmental planning and evaluation of projects that may have an affect on the environment. This includes projects that are funded by the Federal government.

NEPA Levels of Analysis

NEPA also created the Council on Environmental Quality (CEQ) to develop NEPA implementation regulations (Title 40 Code of Federal Regulations Parts 1500-1508) and oversee the efforts of Federal agencies to implement NEPA programs. To ensure the public's interests are protected, proposed actions involving Federal resources may not take place until all NEPA and agency requirements for environmental analysis are met. The three levels of analysis specified by the CEQ regulations are explained on the following pages.

Level One

When an action is proposed, the proponent of the action must evaluate the following question: Will this proposed Federal action significantly affect the quality of the human environment?

The purpose of the first level of environmental analysis is to determine if the proposal qualifies as a Categorical Exclusion (CATEX) (40 CFR 1507.3). To qualify as a CATEX, the proposed action must demonstrate through prior analysis clearly insignificant impacts on the environment. Each agency is authorized to develop its own list of CATEXs, which are approved by the CEQ. If the CATEX criteria are met, no further environmental analysis is required. GSA breaks CATEX actions into two types:

"automatic" and "checklist." The "automatic" CATEX, which requires no specific documentation, includes actions that have virtually no potential for significant environmental effects. Examples of "automatic" CATEXs are repair or replacement of similar equipment, routine facility maintenance, or administrative actions. The "checklist" CATEX requires a cursory analysis, using a checklist, to ensure no "extraordinary circumstances" exist that would require a higher level of environmental analysis. Examples of "checklist" CATEXs are site characterization studies and environmental monitoring, acquisition of space within an existing structure, and transfers of real property to government agencies.

Level Two

If the proposal does not meet the CATEX criteria, an Environmental Assessment (EA) is required. EAs are documents prepared in order to identify potential environmental impacts and determine if an Environmental Impact Statement (EIS) is necessary. However, the preparation of an EA may be bypassed if the proposed action usually requires an EIS. Although a specific format for EAs is not prescribed in the regulations, EAs should include discussions of the need for the proposed action, alternatives including the proposed action, and a list of agencies and persons consulted. Every EA must lead to a decision to prepare a Finding of No Significant Impact (FONSI) (Title 40 CFR 1508.13) or an EIS, or to take no action on the proposal.

Level Three

If the agency determines the proposed action could have a significant effect on the human environment, an EIS must be prepared. Agencies should focus on significant environmental issues and alternatives to the proposed action. The first step, after the decision has been made to prepare an EIS, is to publish a notice of intent (NOI) in the Federal Register. This provides the first opportunity for public involvement, and begins the scoping process. Scoping is the process of identification of the issues to be addressed, and the formulation of a plan and schedule for completion of the EIS. Inputs received as a result of the scoping process are used to prepare the draft and final EIS. A detailed EIS must be prepared to analyze all environmental impacts of a proposed action and its alternatives, with extensive general public and government agency involvement. The first analysis for the proposed action is a draft EIS (DEIS). The DEIS must state the agency's preferred action and compare this to practical alternatives, including taking no action. An extensive public review and comment period including public meetings is required for the DEIS. Public comments and further analyses are incorporated into the final EIS. Lastly, a Record of Decision (ROD) is prepared which concludes the EIS process and indicates, after all the facts have been reviewed, the course of action to be taken.

The EIS Process***Notice of Intent******Scoping Process******Draft EIS******Public Comment Period******Final EIS******Record of Decision***